

TRADE

Beef and Beef By-Products

**Agreement Between the
UNITED STATES OF AMERICA
and the SOCIALIST REPUBLIC OF
VIETNAM**

Effected by Exchange of Letters at
Hanoi May 31, 2006



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

SOCIALIST REPUBLIC OF VIETNAM

Trade: Beef and Beef By-Products

*Agreement effected by exchange of letters
at Hanoi May 31, 2006;
Entered into force May 31, 2006.*



MINISTRY OF TRADE
THE SOCIALIST REPUBLIC OF VIETNAM

31 MAY 2006

The Honorable Karan Bhatia
Deputy U.S. Trade Representative
Washington, DC 20508

Dear Honorable,

I have the honor to confirm the following understandings reached between the Government of The Socialist Republic of Viet Nam (Viet Nam) and the Government of the United States of America (United States) in connection with our bilateral market access agreement on Viet Nam's accession to the World Trade Organization.

- 1) Upon signature, Viet Nam shall accept the import of all U.S. beef and beef products from animals under thirty months of age with the following requirements which are consistent with World Organization for Animal Health (OIE) guidelines established in the Terrestrial Animal Health Code Chapter 2.3.13:
 - a. The meat was derived from animals slaughtered and processed in the United States under Federal supervision and accompanied by an FSIS Export Certificate of Wholesomeness (FSIS Form 9060-5).
 - b. The cattle were not subjected to a stunning process, prior to slaughter, with a device injecting compressed air or gas into the cranial cavity, or to a pithing process, and which were subject to ante-mortem and post-mortem inspections and were not suspect or confirmed BSE cases.
 - c. The meat was not derived from the following specified risk materials: the brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum) and dorsal root ganglia and the

tonsils and distal ileum of the small intestine of any cattle regardless of age.

- d. The beef does not include advanced recovery meat or mechanically separated beef.
 - e. The animals from which the product was derived were not fed ruminant origin meat and bone meal or greaves.
- 2) This agreement is without prejudice to Viet Nam's rights under the Agreement on Application of Sanitary and Phyto-sanitary Measures to protect human, animal or plant life or health. Viet Nam and the United States shall consult each other in case of changes in the circumstances.
- 3) The United States and Viet Nam urge their specialized agencies to cooperate on technical and scientific work, including in the areas of risk analysis and management and surveillance.

I have the honor to request that you confirm that your government shares this understanding and have the further honor to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments.

Sincerely,

A handwritten signature in black ink, appearing to be 'Truong Dinh Tuyen', written over a horizontal line.

Truong Dinh Tuyen
Minister of Trade
The Socialist Republic of Viet Nam

EXECUTIVE OFFICE OF THE PRESIDENT
DEPUTY UNITED STATES TRADE REPRESENTATIVE
WASHINGTON, D.C. 20508

May 31, 2006

H.E. Truong Dinh Tuyen
Minister of Trade
The Socialist Republic of Vietnam

Dear Minister Truong:

I have the honor to acknowledge the receipt of your letter of this date which reads as follows:

I have the honor to confirm the following understandings reached between the Government of the Socialist Republic of Viet Nam (Viet Nam) and the Government of the United States of America (United States) in connection with our bilateral market access agreement on Viet Nam's accession to the World Trade Organization.

- 1) Upon signature, Viet Nam shall accept the import of all U.S. beef and beef products from animals under thirty months of age with the following requirements which are consistent with World Organization for Animal Health (OIE) guidelines established in the Terrestrial Animal Health Code Chapter 2.3.13:
 - a. The meat was derived from animals slaughtered and processed in the United States under Federal supervision and accompanied by an FSIS Export Certificate of Wholesomeness (FSIS Form 9060-5).
 - b. The cattle were not subjected to a stunning process, prior to slaughter, with a device injecting compressed air or gas into the cranial cavity, or to a pithing process, and which were subject to ante-mortem and post-mortem inspections and were not suspect or confirmed BSE cases.
 - c. The meat was not derived from the following specified risk materials: the brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum) and dorsal root ganglia and the tonsils and distal ileum of the small intestine of any cattle regardless of age.
 - d. The beef does not include advanced recovery meat or mechanically separated beef.
 - e. The animals from which the product was derived were not fed ruminant origin meat and bone meal or greaves.

- 2) This agreement is without prejudice to Viet Nam's rights under the Agreement on Application of Sanitary and Phyto-sanitary Measures to protect human, animal or plant life or health. Viet Nam and the United States shall consult each other in case of changes in the circumstances.
- 3) The United States and Viet Nam urge their specialized agencies to cooperate on technical and scientific work, including in the areas of risk analysis and management and surveillance.

I have the honor to request that you confirm that your government shares this understanding and have the further honor to propose that this letter and your letter of confirmation in reply shall constitute an agreement between our two Governments.

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Sincerely,

A handwritten signature in black ink, appearing to read 'Karan Bhatia', with a stylized, flowing script.

Karan Bhatia